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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 4934 of 2007
Date of decision: 27. 9. 2007

Vidya Devi @ Vidyawati **...Petitioner**

Versus

Jai Kishan and others **...Respondents**

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. Parminder Singh, Advocate for the petitioner.

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RAJESH BINDAL, J.

The challenge in the present petition is to the order dated August 9, 2007 passed by the learned Additional Civil Judge (Senior Division), Safidon whereby application filed by the petitioner/plaintiff for getting the thumb impressions compared was dismissed.

For the disposal of the present revision and the relief which is sought by the petitioner/plaintiff, I do not deem it appropriate to issue notice to the respondents as they are not going to be prejudiced in any manner whatsoever.

The only prayer made is that the petitioner/plaintiff wants to get thumb impression, on the sale deed on record, examined by the Expert of Finger Prints, Forensic Science Laboratory, Haryana, Madhuban.

It was submitted by learned counsel for the petitioner/plaintiff that the trial Court under some misconception observed that photocopy of the sale deed cannot be sent to the Finger Prints Bureau for comparison and in case the petitioner wants to get the thumb impression examined, she can deposit fee and call the expert in the Court for the purpose. Finally, it was observed that petitioner will be at liberty to deposit the fee and call the expert. Learned counsel for the petitioner submitted that in fact a direction was required to be issued by the Court below for calling the expert on deposit of fee by the petitioner, which infact had been paid by him as assessed by the Court and it is only that a direction is required to be issued

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to the Forensic Science Laboratory, Madhuban, so that an expert of finger prints therefrom could visit the Court and take the photographs of thumb impression for the purpose of comparison. Learned counsel for the petitioner further submitted that whatever fee is to be charged by them, shall be paid by the petitioner.

I find the prayer made to be innocuous. Once the Court had accepted the plea of the petitioner to the effect that she has the liberty to deposit the fee and call the expert, there was no hitch in summoning that witness as petitioner/plaintiff's witness when even the fee as assessed by the court was deposited by her.

Accordingly, it is directed that trial Court will summon the expert as witness as sought by the petitioner for taking photos of the thumb impression for comparison, subject to payment of requisite fee by the petitioner.

The revision petition is disposed of in the manner indicated above.

September 27, 2007 **(Rajesh Bindal)**
Pka **Judge**